

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE ENROLLED ACT No. 466

AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) **As used in this chapter, "portable breath test" means a hand held apparatus that measures the alcohol concentration in a breath sample delivered by a person into the mouthpiece of the apparatus.**

(b) As used in this chapter, "fatal accident" means an accident, a collision, or other occurrence that involves at least one (1) vehicle and that results in:

- (1) death; or
- (2) bodily injury that gives a law enforcement officer reason to believe that the death of at least one (1) person is imminent.

SECTION 2. IC 9-30-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A person who operates a vehicle impliedly consents to submit to the **portable breath test or** chemical test under this chapter as a condition of operating a vehicle in Indiana. A person must submit to each **portable breath test or** chemical test offered by a law enforcement officer under this chapter to comply with this chapter.

SECTION 3. IC 9-30-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A law enforcement officer ~~may~~ **shall** offer a **portable breath test or** chemical test to any person who the officer has reason to believe operated a vehicle that was



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involved in a fatal accident or an accident involving serious bodily injury. **If:**

**(1) the results of a portable breath test indicate the presence of alcohol;**

**(2) the results of a portable breath test do not indicate the presence of alcohol but the law enforcement officer has probable cause to believe the person is under the influence of a controlled substance or another drug; or**

**(3) the person refuses to submit to a portable breath test;**

**the law enforcement officer shall offer a chemical test to the person.**

(b) A law enforcement officer may offer a person more than one (1) **portable breath test or** chemical test under this section. However, all chemical tests must be administered within three (3) hours after the fatal accident or the accident involving serious bodily injury.

(c) It is not necessary for a law enforcement officer to offer a **portable breath test or** chemical test to an unconscious person.

SECTION 4. IC 9-30-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A person who refuses to submit to a **portable breath test or** chemical test offered under this chapter commits a Class C infraction.

(b) In addition to any other penalty imposed, the court may suspend the person's driving privileges for a period of not more than one (1) year.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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